IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 2578 of 2003

HINDUSTAN PETROLEUM CORPORATION LTD.
V/S
STATE & ORS

Mr. AL CHOPRA, for the appellant / petitioner

Mr. SN TIWARI, DY.G.A., for the respondent

Date of Order : 1.10.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

The petitioner was given land under Annex.1, land was Government land , and was given to the petitioner by converting it in accordance with the provisions of Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for the Construction of Cinema, Hotel and Establishment of a Petrol Pump), Rules, 1978. The grant was by way of lease for 20 years, and certain amount as mentioned in Annex.1, were received from the petitioner. Thereafter the petitioner was served with notice Annex.2 pointing out that allotment was made under wrong rules, and petitioner is liable to pay further amount of Rs. 6,02,000/-, and relevant rules were enclosed. To this, reply was given by the petitioner pointing out that allotment was made under the rules of 1978 on the prevalent market price, and on payment of 40 times of the annual land revenue as capitalization value, on 20 years' lease, and conversion charges at commercial rates, were charged @ 300/- per Sq.Met. According to the petitioner, the petitioner had deposited the amount required to be deposited and, therefore, notice is required to be withdrawn. Copy of this reply has been produced as Annex.3. Thereafter the Collector had issued notice Annex.4 dated 24.1.2003, calling upon

the petitioner to pay sum of Rs. 6,10,510/- pursuant to audit objection for the revenue loss having been caused, and the petitioner was called upon to show cause, if he has any, on 13.2.2003. The petitioner, accordingly again submitted reply, contesting the amount, and contending that price has been paid according to prevalent market rate, the land was not allotted in Abadi, and that various other objections were raised. The writ seeks to challenge the recovery notice Annex.2 and Annex.4.

A reply has been filed on behalf of the respondents, annexing therewith a circular of Revenue Department dated 2.3.87 laying down the requirements of amount to be charged.

Having perused the documents, and having heard the learned counsel for the parties, what I find is that, the parties are at ad idem to the effect that price of land has already been paid by the petitioner. Likewise, the parties are also at ad idem that conversion charges are liable to be paid @300/- per Sq.Mt., and that 40 times of annual land revenue is also required to be paid by way of capitalize value. In these circumstances, it appears that dispute survives only with respect to actual calculation, on the basis of area of the land, and on the basis of annual land revenue. This dispute can very well be solved by the parties while sitting round the table.

Accordingly, while presently setting Annex.2 and 4, it is directed that the Collector shall re-calculate the amount of conversion charges @ 300/- per Sq.Mt, for the land converted, and shall also calculate the capitalized value by multiplying the land revenue for the land with the figure of 40. Out of the amount so arrived at, after deducting amounts already paid by the petitioner under these heads, balance amount shall be paid by the petitioner within a period of two weeks' from the date of determination.

The petitioner is directed to appear before the Collector on

1.11.2004 along with certified copy of this order. The Collector is expected to decide the matter expeditiously.

The writ petition is disposed of accordingly.

(N P GUPTA),J.

/Srawat/